



Environmental  
Protection Authority  
*Te Mana Rauhi Taiao*

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## Ngā Kaihautū Tikanga Taiao Report - EEZ 100015

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In accordance with section 46 of the Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012.

**Application from** Coastal Resources Limited (CRL) for a marine dumping consent to dump dredged material at a deep-sea site east of Great Barrier Island.

## 1. Purpose

- 1.1. This report has been prepared by Ngā Kaihautū Tikanga Taiao (Ngā Kaihautū) in response to a request from the Coastal Resources Limited Decision-making Committee (DMC) to provide advice from a Māori perspective to assist the DMC to understand Māori world views on an application lodged by Coastal Resources Limited (CRL). The application relates to a 35 year replacement marine dumping consent for operations in the Exclusive Economic Zone (EEZ) of New Zealand, approximately 25km (13.5Nm) east of Great Barrier Island.

## 2. Executive summary

- 2.1. This report represents the views of Ngā Kaihautū in response to the application lodged by CRL with the Environmental Protection Authority (EPA). We have reviewed the application and submissions along with the associated documents provided by the EPA.
- 2.2. Ngā Kaihautū considers that the application, Impact Assessment (IA) and associated documents provided by CRL cannot support the DMC to make an adequate and appropriate decision. We are of the view that these documents reflect a lack of engagement with iwi and hapū with existing interests, and do not acknowledge the effects of the proposed activities on the cultural values of Māori existing interests.
- 2.3. As a result of our review and assessment, we have identified four key issues and two sub-issues for the DMC to take into consideration. These are:
  - 2.3.1. The limitations of CRL's engagement process;
  - 2.3.2. Māori perspectives on cultural impacts;
    - 2.3.2.1. Lack of cultural values included
    - 2.3.2.2. Adverse effects on iwi relationships and cultural values
  - 2.3.3. Māori perspectives of cumulative effects;
  - 2.3.4. Dumping at sea in the event of unforeseen conditions.
- 2.4. Key issues have been assessed by Ngā Kaihautū using a framework which takes into account a Māori perspective as follows:

- 2.4.1. Objective 1: Uphold tikanga and the use of mātauranga Māori
- 2.4.2. Objective 2: Recognise Māori rights and interests under Te Tiriti o Waitangi
- 2.4.3. Objective 3: Protect and enhance the natural and built environment and ensure the resilience of ecosystems, people and communities
- 2.4.4. Objective 4: Acknowledge the role of tangata whenua
- 2.5. The views and assessment of the CRL application by Ngā Kaihautū do not detract from, or seek to substitute in any form, the distinct perspectives of iwi, hapū and/or whanau, but aim to ensure those perspectives have been sought and considered by the EPA, and in this case the CRL DMC.
- 2.6. We consider that the lack of cultural values in the application and the IA cannot adequately and appropriately represent the potential effects on existing interests without further information. It is our position that the DMC is not able to give full and proper consideration to the effects that the proposed activities will have on existing interests and their cultural values.
- 2.7. In regards to the four key issues we have identified, we have made multiple recommendations to the DMC for consideration, including one potential condition. These are summarised in the following section (3) and can be found in section 9 of this report.

### 3. Recommendations

- 3.1. It is recommended that the DMC:
  - 3.1.1. **Note** that Ngā Kaihautū has identified four key issues and two sub-issues from the CRL application and Impact Assessment. These are:
    - 3.1.1.1. The limitations of CRL's engagement process;
    - 3.1.1.2. Māori perspectives on cultural impacts;
      - 3.1.1.2.1. Lack of cultural values included
      - 3.1.1.2.2. Adverse effects on iwi relationships and cultural values
    - 3.1.1.3. Māori perspectives of cumulative effects;

3.1.1.4. Dumping at sea in the event of unforeseen conditions.

#### The Limitations of CRL's engagement process

3.1.2. **Note** the exemplar provided by the extensive engagement and iwi perspectives contained in the Hauraki Marine Spatial Plan (Appendix 1).

3.1.3. **Request**, as best practice, that CRL provide an Engagement Plan that details how CRL will include those who have existing interests in the area to from the start and during the period of their proposed operations, focusing on building on-going, meaningful relationships with iwi/hapū.

#### Māori perspectives on cultural impacts

3.1.4. **Consider** the perspectives of iwi and hapū that have been shared in submissions.

3.1.5. **Note** that Ngāti Whanaunga did not submit on the application but some of their views were shared in their correspondence with CRL.

3.1.6. **Invite** Ngāti Whanaunga to attend the hearing and address the information they provided regarding their cultural values and the impacts of the proposed activities on those values as stated in their correspondence with CRL.

3.1.7. **Note** that Ngā Kaihautū considers a Cultural Impact Assessment is the best way to obtain information on Māori existing interests, including impacts on cultural values prior to undertaking the proposed activities.

3.1.8. **Note** that if the viability of undertaking a Cultural Impact Assessment is constrained, Ngā Kaihautū considers that it could be a useful way forward for CRL to resource iwi and hapū, who have existing interests, to engage an appropriate resource to prepare a Cultural Impact Assessment which sets out the impacts and effects on their values and mātauranga.

3.1.9. **Note** that a level of scrutiny and caution be applied to CRL's existing Impact Assessment due to the lack of cultural values, and impacts on those values, documented.

3.1.10. **Note** that Ngā Kaihautu recommends one condition, if the DMC is minded to grant the consent. This is:

3.1.10.1. The consent holder (CRL) shall, prior to the first exercise of its consent, provide an opportunity and resource for iwi and hapū identified in the Impact Assessment as having existing interests to develop a monitoring programme based on a Te Ao Māori perspective for the proposed activities and provide opportunities and resource for iwi and/or hapū representatives to execute that programme.

#### Māori perspectives on cumulative effects

3.1.11. **Consider**, under section 59 (2)(a)(i) of the EEZ Act, the need for a holistic assessment of cumulative effects, including a Māori perspective, prior to making a decision.

3.1.12. **Note** that a holistic assessment of effects starts from the commencement of the activity and throughout the activity to determine how these effects collectively will affect the environment in which the activity is being carried out.

#### Dumping at sea in the event of any unforeseen conditions

3.1.13. **Seek** further explanation around what will be considered and determined an unforeseen event by the applicant in the circumstance that dredged substances need to be dumped outside of the NDA.

3.1.14. **Encourage** further engagement between Māori and CRL on this issue, to support a partnership approach and discuss the potential to implement a 'rāhui' over the area in the case of an unforeseen event.

3.1.15. **Seek** methods of preventing unforeseen events (mitigation) and prior monitoring to potentially postpone dumping activities.

3.1.16. **Reduce** consent timeframe to better review effects of the activities on cultural values and relationships of iwi with the area.

## 4. DMC's request for advice

4.1. On 19 September 2018, in accordance with section 56 (1)(b) of the Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012 (EEZ Act), the DMC sought the advice of Ngā Kaihautū, to assist the DMC to understand Māori world views on CRL's application. In particular, the DMC directed that Ngā Kaihautū's advice focus on:

- 4.1.1. Any matters contained in the application, or views expressed in submissions from iwi/tangata whenua, that Ngā Kaihautū considers would benefit from further exploration by the DMC to understand the views expressed (to the extent they are relevant to the DMC's consideration of matters under sections 59-63 of the EEZ Act);
- 4.1.2. How these views might be tested and probed in a manner that takes into account a Māori world view; and
- 4.1.3. How any issues and matters associated with the proposed activities raised by iwi/tangata whenua might be addressed by way of relevant and lawful conditions under the EEZ Act, if the DMC is minded to grant consent.

## **5. Ngā Kaihautū Tikanga Taiao**

- 5.1. Ngā Kaihautū is the statutory Māori Advisory Committee established under Section 18 of the Environmental Protection Authority Act 2011 and is required to provide advice and assistance to the EPA on matters relating to EPA policy, processes and applications. This advice and assistance must be given from a Māori perspective and come within the terms of reference set by the EPA Board.
- 5.2. Ngā Kaihautū works with the EPA through contributing to, monitoring and evaluating policies, processes, applications and decisions from a Māori perspective. Part of this responsibility includes providing guidance and oversight to the development of organisational and decision-making approaches that support the effective recognition of the unique relationship of Māori to the New Zealand environment.
- 5.3. He Whetū Mārama provides a framework for the EPA to focus its efforts on ensuring informed decision-making and productive relationships with Māori. This has been reflected in several initiatives including a focus on increasing the cultural confidence and competence of staff across the organisation, as well as the implementation of the "Incorporating Māori Perspectives into Decision Making" protocol (IMP) internally and externally in the application process.
- 5.4. The intention of the IMP is that it be used as a tool to assist with the incorporation of Māori perspectives. It can be used by applicants in approaching their assessment and/or impact statements when considering the effects and impacts their proposal may have on Māori. The desired outcome is where all applications lodged with the EPA provide substantial

evidence that Māori perspectives have been sought after, gathered, and considered within the assessment and/or impact statement.

5.5. Ngā Kaihautū acknowledges that there is no one Māori worldview or perspective on resource management matters. We recognise that Māori perspectives vary and differ between different whānau, marae, hapū and iwi. Ngā Kaihautū's report is not intended to detract from, or seek to substitute in any form, those distinct perspectives, but aims to ensure that those perspective(s) have been sought and considered. As a result, the IMP describes four Ngā Kaihautū objectives to frame the collective position on what the Māori perspective is for Ngā Kaihautū.

5.6. In the preparation of this report, Ngā Kaihautū has been guided by these objectives:

5.6.1. Objective 1: Uphold tikanga and the use of mātauranga Māori

5.6.1.1. To give effect to this objective, Ngā Kaihautū provides advice and assistance to the EPA in relation to the involvement of Māori in EPA processes and the use of mātauranga Māori in an appropriate context.

5.6.2. Objective 2: Recognise Māori rights and interests under Te Tiriti o Waitangi (The Treaty of Waitangi)

5.6.2.1. To give effect to this objective, Ngā Kaihautū provides advice and assistance to the EPA to ensure Māori rights and interests are given appropriate recognition in the EPA processes, policy and decisions.

5.6.3. Objective 3: Protect and enhance the natural and built environment and ensure resilience of ecosystems, people and communities

5.6.3.1. To give effect to this objective, Ngā Kaihautū provides advice and assistance to the EPA about how to support the role of Māori as kaitiaki. It also provides advice and assistance to understand how EPA decisions could have cumulative impacts (positive and/or negative) on the broader ecosystem.

5.6.4. Objective 4: Acknowledge the role of tangata whenua

- 5.6.4.1. To give effect to this objective, Ngā Kaihautū provides advice and assistance to the development, implementation and management of the EPA's policies and processes for engaging with Māori.

### Mātauranga Māori

- 5.7. The IMP defines mātauranga Māori as the Māori system of knowledge and understanding of all things past and present that have been handed down from generation to generation and that is learned from experience and other sources.
- 5.8. As set out above, Ngā Kaihautū acknowledges that there is not just one Māori world view or perspective on EPA matters, and that the Māori perspective can be different for each whānau, marae, hapū, iwi. A key aspect of the Māori perspective is the recognition of mātauranga Māori. For example, Ngā Kaihautū acknowledged its importance in advice on the Chatham Rock Phosphate Ltd application (EZ000006). It canvassed the importance of whakapapa ensuring the interconnectedness of all living things central to Māori life and the role of kaitiaki. It advised that any activity with an overarching environmental cost in cultural and other matters, impacts directly on this whakapapa relationship and Māori identity. This view was reinforced in the Tikanga Taiao Report (EEZ000011).
- 5.9. Mātauranga Māori is conventionally viewed as “A body knowledge that seeks to explain phenomena by drawing on concepts handed from one generation to another. Accordingly, mātauranga Māori has no beginning and is without an end. It is constantly being enhanced and refined. Each passing generation of Māori make their own contribution to mātauranga. The theory or collection of theories with associated values and practices has accumulated mai i te Ao Māori/ from Māori beginnings and will continue to accumulate, providing the whakapapa of mātauranga is unbroken” as noted by Dr Whatarangi Winiata in his address given at Te Herenga Waka Marae, Victoria University in 2001.
- 5.10. Mātauranga Māori is akin to the pursuit and application of knowledge and understanding of Te Taiao, following a systematic methodology based on evidence, incorporating culture, values and world view (Hikuroa et al., 2011). Mātauranga Māori is a method for generating, considering and valuing knowledge, and all of the knowledge generated using this method (Hikuroa 2017). It is also important to note that mātauranga Māori is not just an archive but also a tool for thinking, organising information, considering the ethics of knowledge, the appropriateness of it and informing Māori about the world and their place in it (Mead, 2003).

## Māori perspective - existing interests

- 5.11. Section 4 of the EEZ Act defines existing interests to be taken into account by the DMC when considering applications. Existing interests for Māori are specified as:
  - 5.11.1. Any lawful established activity, including rights of access, navigation, and customary fishing.
  - 5.11.2. Settlement of an historical claim under the Treaty of Waitangi Act 1975
  - 5.11.3. Settlement of a contemporary claim under The Treaty of Waitangi, as provided for in an Act, including the Treaty of Waitangi (Fisheries Claims) Settlement Act 1992
  - 5.11.4. A protected customary right or customary marine title recognised under the Marine and Coastal Area (Takutai Moana) Act 2011.
- 5.12. The IMP protocol was developed by Ngā Kaihautū as a tool to incorporate Māori perspectives appropriately into decision making. The IMP supports the EPA with its obligations under the Environmental Protection Authority Act 2011.
- 5.13. He Whetū Mārama is a framework as part of the IMP protocol that guides the EPA in the undertaking of its statutory and other obligations to Māori.
  - 5.13.1. He Whetū Mārama is guided by four key Treaty of Waitangi principles:
    - 5.13.2. Partnership – Requires that the EPA acts reasonably, honourably, and in good faith to ensure the making of informed decisions on matters affecting the interests of Māori.
      - 5.13.2.1. Protection – Active protection requires the EPA to take positive steps to ensure that Māori interests, knowledge, and experience are valued in its decision making activities.
      - 5.13.2.2. Participation – Informs the development of EPA strategy, policy, and process that enables the effective engagement and input of Māori.
      - 5.13.2.3. Potential – Recognises that EPA decision making and activities have impacts on the direction for future growth and development in a Māori cultural and economic setting.

- 5.14. Ngā Kaihautū has considered existing interests in our advice to DMCs in previous reports and has advised that we consider these Treaty of Waitangi principles when taking into consideration Māori interests and the impacts on Māori interests. Of particular relevance are the principles of partnership and active protection as exemplified in Ngā Kaihautū's report relating to the Chatham Rock Phosphate Ltd application (as set out above). In that report, we also considered it important to recognise the unique relationship that Māori have as Treaty partners and the impact of DMC decisions on their ability to continue to be afforded those Treaty rights and interests.
- 5.15. Ngā Kaihautū links active protection to rangatiratanga and recognises the rights of Māori to self-determination inherent in The Treaty of Waitangi. The principle of active protection also recognises the obligation to take positive steps to protect and look after Māori interests.

## 6. The application

- 6.1. On 5 June 2018, CRL lodged an application with the EPA for a 35 year replacement marine dumping consent in the EEZ on the mid-continental shelf off the North Island of New Zealand. The application seeks to consent to annually dump up to 250,000m<sup>3</sup> of dredged material from source sites within Auckland and Waikato.
- 6.2. The proposed dump site covers an area of about 7km<sup>2</sup> and is located approximately 25km east of Great Barrier Island and 22km north of Cuvier Island.
- 6.3. If approved, the application will replace CRL's current consent which expires in 2032 and allows them to dump up to 50,000m<sup>3</sup> of dredged material from existing or proposed marinas in Auckland and Waikato annually.

### Impact Assessment Report

- 6.4. CRL's application includes an Impact Assessment Report (IA) and lists the iwi and hapū CRL has engaged with in relation to its application.
- 6.5. CRL states that currently no iwi/hapū can be identified as having an 'existing interest' as defined by section 4 of the EEZ Act. However, seven iwi were identified as having an 'interest' in the current application by CRL. This assessment was made based on the level of interest these iwi had in the first CRL marine dumping permit application to Maritime New Zealand for the NDA in 2007.

6.6. The iwi/hapū identified by CRL were:

6.6.1. Ngāti Wai

6.6.2. Ngāti Manuhiri Kaitiaki Charitable Trust

6.6.3. Ngāti Rehua Trust

6.6.4. Ngāi Tai ki Tāmaki Trust

6.6.5. Ngāti Maru Runanga

6.6.6. Ngāti Whanaunga Incorporated Society

6.6.7. Ngāti Tamaterā

6.7. Each of these parties were sent an initial consultation package in early September 2017, which is included in appendix 10 of the application, and was asked to make contact if they had an interest in the proposal and wished to be consulted further.

6.8. Of these parties, Ngāti Maru, Ngāti Rehua, Ngāi Tai, Ngāti Manuhiri and Ngāti Whanaunga requested further information or consultation. From September 2017 to March 2018 a series of direct meetings and phone discussions was held between CRL and these iwi.

6.9. A key concern of iwi that arose during consultation was about what the process would be to involve iwi in the assessment of on-going monitoring results. CRL, in relation to this issue and one other, proposed potential recommendations on page 51 of the CRL Impact Assessment and offered these as potential consent conditions. No cultural impacts were discussed.

[Ngāti Whanaunga – Review and Recommendations on the Consultation Document for the Replacement Marine Consent for the Disposal of Spoil Material Report.](#)

6.10. In February 2018, Ngāti Whanaunga submitted a report to CRL in response to the consultation package sent to them in September 2017. This report identified a list of Ngāti Whanaunga principles and the effects that the proposed activities would have on these principles. These are:

6.10.1. Kaitiakitanga, viewed in its entirety for Papatuanuku, with the land below the water being the same as the land above the water. Ngāti Whanaunga are concerned with the

applicant's identification of the NDA as having no cultural significance as it fails to recognise Ngāti Whanaunga's role as kaitiaki.

6.10.2. Mauri, the vital energy force giving life to all things, providing the interconnection between humankind and the natural environment. For Ngāti Whanaunga the maintenance of mauri is a primary responsibility. Ngāti Whanaunga believe the mauri of the NDA has been altered through human intervention over many years and the proposed increase in dumping of dredged material per annum will further degrade the mauri of the NDA.

6.10.3. Tapu, is linked to a code for social conduct based essentially on keeping safe and avoiding risk, relating back to environmental responsibilities. Ngāti Whanaunga believe the laws of tapu will be affected in relation to the eventual introduction of contaminants into the food chain.

6.10.4. Wāhi tapu are sacred places of great spiritual significance to Māori and their tapu state requires that inappropriate activities are not undertaken in their vicinity. Ngāti Whanaunga believe this principle serves to remind those working in the area to behave with the highest degree of integrity and respect towards the moana.

6.10.5. Rāhui, is the process of closing certain areas or placing restrictions on the taking of particular resources as a conservation measure to protect a diminished or threatened resource. Ngāti Whanaunga suggest this principle be applied in all thinking and practices and believe it should be used by CRL in the form of adopting more rigorous guidelines and practices, in the overall reduction of disposal material and a targeted end date.

6.11. Ngāti Whanaunga offer seven recommendations. These are:

6.11.1. Continue to invite all mana whenua groups who want to participate and engage in the consent process;

6.11.2. Mana whenua will receive regular updates, information and will be notified immediately in the event of any significant changes or events;

6.11.3. Identify and implement shared environmental and cultural outcomes;

6.11.4. Adopt more rigorous guidelines and practices dealing with contaminants;

- 6.11.5. Attend a site visit aboard the vessel to observe the disposal process;
- 6.11.6. Consider making it a condition of the resource consent that an annual fee is paid to contribute to support technology and infrastructure on Great Barrier Island (Aotea) to support waste management; and
- 6.11.7. Work with the relevant authorities to reduce and cease the disposal of dredged waste into the marine environment.

## **7. EPA Key Issues Report**

- 7.1. In September 2018, the EPA Key Issues Report was prepared by the EEZ Applications team for the DMC under Schedule 4 clause 2 of the EEZ Act; which requires the EPA to prepare and commission a report on the key issues relating to the application and the activity. In relation to effects on existing interests, as defined under section 4 of the EEZ Act, the report notes, that aside from the New Zealand Defence Force, CRL has not identified other existing interests which may be affected by the proposed activity. Further, CRL considers that no parties during their consultation process identified existing interests.
- 7.2. In relation to iwi and hapū interests, the report notes that in the process of identifying the NDA as a dumping site for the first dumping permit, CRL states that no obvious sites of cultural significance were identified and that currently it is unaware of circumstances which would impact on that original assessment. However, through both the original and current consultation processes undertaken by CRL a number of iwi were identified as having a strong interest in the area.
- 7.3. In relation to these interests the report advises the DMC at paragraphs 96 to 102 that:
  - 7.3.1. The cultural effects of the activity on iwi and hapū identified as having an interest in the area has not been comprehensively assessed by CRL in their application, though some information has been provided in appendix 10;
  - 7.3.2. That without any cultural impact assessment or feedback on the proposal, it is difficult to determine the extent to which relevant iwi and hapū feel their existing interests will be affected.

7.3.3. That although there is not enough information for the DMC to assess the effects of CRL's proposed activities on existing interests, this may become better known through iwi and hapū submissions.

## 8. Submissions

8.1. From the submissions received by the EPA in relation to the CRL application, eight were identified as coming from iwi, hapū and whanau organisations within the geographical area of the Hauraki Gulf (Great Barrier Island). These were:

8.1.1 Ngāti Huarere ki Whangapoua (submission no 97)

8.1.2 Ngāti Maru Runanga Trust (submission no 20)

8.1.3 Ngai Tai ki Tamaki Tribal Trust (submission no 95)

8.1.4 Ngāti Rehua (submission no 74)

8.1.5 Ngāti Manuhiri (submission no 75)

8.1.6 Freda Pene Reweti Whanau Trust (submission no 52)

8.1.7 Ngāti Tamaterā Treaty Settlement Trust (submission no 98)

8.1.8 Lucy Tukua (Descendant of Hauraki, Ngāti Paoa, Ngāti Whanaunga) (submission no 37)

### Ngāti Huarere ki Whangapoua

8.2. Ngāti Huarere ki Whangapoua (Ngāti Huarere) have interests in the area subject to the CRL application. Ngāti Huarere recommends that the application be declined in its entirety, that the current consent limit and timeframe be the absolute and that alternative disposal sites be considered.

8.3. Ngāti Huarere note that the NDA is located 25km east of Great Barrier Island and also 22km from Repanga (Culvier Island) an island of cultural significance to them.

8.4. The main concerns raised by Ngāti Huarere are:

8.4.1. The direct and ongoing decline in the mauri of the waters and creatures in the dumping zone and surrounds;

- 8.4.2. The possible incursion of invasive marine species brought in by contaminated soil;
- 8.4.3. The possible impacts to the potential expansion of the mussel industry and fishing recreational industry which members of Ngāti Huarere whānau are involved in;
- 8.4.4. The possibility of contaminants from Auckland storm water and other infrastructure works being dumped within Ngāti Huarere waters;
- 8.4.5. The length of the consent's timeframe;
- 8.4.6. The lack of information given on contaminants resulting from future users of the consent (e.g. Auckland Council and Ports of Auckland);
- 8.4.7. The possibility that contaminants could mobilise into Tikapa Moana and this would contravene the purpose of the International laws protecting Ngāti Huarere waters from dumping of wastes;
- 8.4.8. The possible effects on whales that frequent the area.

#### Ngāti Maru Runanga Trust

- 8.5. Ngāti Maru Runanga Trust (Ngāti Maru) has interests in the area subject to the application made by CRL. Ngāti Maru would like the DMC to refuse this consent, suggesting the application breaches sections 6(a), 7 and 8 of the Resource Management Act 1991.

#### Ngāi Tai ki Tamaki Tribal Trust

- 8.6. Ngāi Tai ki Tamaki (Ngāi Tai) proposed that a cultural impact assessment be completed, which the applicant has already agreed, and which will form the substance of their formal, written and verbal submission.

#### Ngāti Rehua

- 8.7. Ngāti Rehua have interests in the area subject to the CRL application. Ngāti Rehua holds its position as mana whenua, mana moana and tangata whenua of Aotea and considers Aotea and all outlying islands, rocky outcrops and the waters that connects them as a single living entity. Their submission is also being submitted on behalf of Te Taumata Kaumātua o Ngāti Rehua – Ngātiwai ki Aotea and the holders of the Ngāti Rehua - Ngātiwai ki Aotea Trust Marine Association Coastal Area (MACA).

8.8. Ngāti Rehua identifies four key issues of cultural consideration related to the degradation of te taiao (the environment), mana moana, and kaitiakitanga. These are:

8.8.1. CRL's application has no reverence or respect for the rohe moana due to the increase in the length of its operations and the size and quantity of the dumping of degraded material;

8.8.2. The application includes a cultural and historical area identified within the hapū management plan as the dump site;

8.8.3. Kaimoana is a fundamental food source for Ngāti Rehua. Their traditional fishing areas which provide sustenance are in grave danger of destruction if this consent is to be granted due to the dumping of dredged materials into their rohe moana;

8.8.4. The application will destroy the mauri and life force of the seabed itself by dumping dredged materials from Auckland and Waikato that may that may contain foreign organisms, infestations that will colonise the fish stock and affect the life of the waters, taonga and people.

#### Ngāti Manuhiri

8.9. Ngāti Manuhiri occupy the Mahurangi area and also have interests in Aotea, Haruru-o-Toi and the Mokohinau. Their submission was made on behalf of the Ngāti Manuhiri Settlement Trust Marine Association Coastal Area (MACA) and in support of the submission made by Te Taumata Kaumātua o Ngāti Rehua - Ngātiwai ki Aotea.

8.10. Key issues raised by Ngāti Manuhiri in relation to the CRL application are:

8.10.1. Serious risk and impact of dredged materials being dumped upon the seabed;

8.10.2. Serious risk and impact of dredged materials being dumped within the sea;

8.10.3. Serious risk and impact of dredged materials affecting marine life, sea life and sea birds;

8.10.4. Serious risk of unknown organisms and possible contaminated organisms contained within the dredged materials;

8.10.5. The proposed quantity of dumping has dramatically increased placing more stress upon the natural environments;

8.10.6. No cultural monitoring and engagement with mana whenua Ngāti Rehua - Ngātiwai ki Aotea;

8.10.7. No water quality monitoring and engagement with mana whenua Ngāti Rehua – Ngātiwai ki Aotea.

#### Freda Pene Reweti Whanau Trust (Valmaine Toki)

8.11. This submission was made by a representative of the Freda Pene Reweti Whānau Trust (The Trust) who have interests in the area.

8.12. The Trust believe the application is contrary to the United Nations Convention on the Law of the Sea that aims to prevent marine pollution by dumping of wastes and other matter (section (4)(1)(b) of the EEZ Act).

8.13. The Trust also suggests that the EEZ Act aims to promote the sustainable management of the natural resources of the EEZ and continental shelf with a focus on the environment, however the applicant has not undertaken any steps to mitigate or remedy these effects in the context of the adverse effect on Ngāti Rehua - Ngātiwai ki Aotea nor the the Trust.

#### Ngāti Tamaterā Treaty Settlement Trust

8.14. Ngāti Tamaterā Treaty Settlement Trust (Ngāti Tamaterā) have interests in the area subject to the CRL application as kaitiaki of the area along with other Hauraki iwi.

8.15. Key issues raised by Ngāti Tamaterā in relation to the application are:

8.15.1. Uncertainty around what consideration has been given to the fisheries interests of Pare Hauraki.

8.15.2. The extent to which Treaty settlement instruments be considered in the decision-making process.

8.15.3. The transportation and disposal of dredged materials will have negative impacts on taonga species and places of cultural significance to Ngāti Tamaterā.

8.15.4. The disposal of dredged materials at sea is an unsustainable practice and suggest that such activities be stopped.

8.15.5. Alternative land-based disposal options in the locality of the dredged activity should be properly investigated.

8.15.6. No engagement has been made with Ngāti Tamaterā by the applicant.

#### Lucy Tukua (Hauraki, Ngāti Paoa, Ngāti Whanaunga)

8.16. Lucy Tukua of Hauraki, Ngāti Paoa and Ngāti Whanaunga descent has interests in the area subject to the CRL application through her close cultural associations with Tikapa Moana.

8.17. Lucy Tukua suggests the proposed activities will not contribute to the enhancement of the mauri, life potential and wellbeing of Tikapa Moana and that sedimentation is one of the major threats to Tikapa Moana as mentioned in the Tai Timu Tai Pari Sea Change Hauraki Gulf Marine Spatial Plan (Hauraki Gulf Marine Spatial Plan).

8.18. The Hauraki Gulf Marine Spatial Plan:

8.18.1. Acknowledges Tikapa Moana as a taonga to the people and mana whenua.

8.18.2. Was led by a governance group representing a partnership between mana whenua and local and central government agencies.

8.18.3. Was drafted in response to significant pressures and marked decline in the mauri, environmental quality and abundance of resources.

8.18.4. Was written when regional Treaty claims negotiations were taking place with multiple iwi and hapū, and does not in any way affect or dilute any Treaty settlements made.

8.18.5. Was developed through extensive engagement over a three year collaborative process through which the stakeholder working group developed the plan, saw it informed by science, mātauranga Māori and hundreds of community voices with expert knowledge of the gulf.

## 9. Ngā Kaihautū advice - key issues and recommendations

9.1 Submissions and information provided by iwi /hapū highlight key perspectives and concerns in relation to the impacts or effects of the applications proposed activities on their cultural values. Ngā Kaihautū's advises that these concerns be considered further by the DMC.

9.2 From the information provided in the IA, the CRL Key Issues Report and iwi submissions we have identified 4 key issues and two sub-issues for the DMC to consider in its decision-making in relation to the CRL application. These key issues are as follows:

9.2.1 The limitations of CRL's engagement process;

9.2.2 Māori perspectives on cultural impacts;

9.2.2.1 Lack of cultural values included

9.2.2.2 Adverse effects on iwi relationships and cultural values

9.2.3 Māori perspectives of cumulative effects;

9.2.4 Dumping at sea in the event of unforeseen conditions

### 9.3 [Limitations of CRL's engagement process](#)

Best practice

Not a legislative requirement

Relevant Ngā Kaihautū objectives:

Objective 2: Recognise Māori rights and interests under Te Tiriti o Waitangi (The Treaty of Waitangi)

Objective 4: Acknowledge the role of tangata whenua

*Supported by:*

Objective 1: Uphold tikanga and the use of mātauranga Māori

Objective 3: Protect and enhance the natural and built environment and ensure resilience of ecosystems, people and communities

9.3.1 Ngā Kaihautū considers the engagement process carried out by CRL to be limited and inadequate to fully understand the cultural impacts and perspectives of iwi. We suggest that the DMC consider the Hauraki Gulf Marine Spatial Plan (8.15 of this report) as an exemplar of effective and extensive engagement.

9.3.2 As set out in Lucy Tukua's submission, the Hauraki Gulf Marine Spatial Plan was developed through extensive engagement with mana whenua, local communities, stakeholders and technical experts, with considerable contribution from local and central government agencies over a three year period.

- 9.3.3 Initial consultation packages were sent early September 2017 to parties recognised as having interests in the area subject to the proposed application including 7 iwi, 4 of whom had recognised interests from the first application lodged by CRL (as noted in section 10.2 of the application).
- 9.3.3.1 Iwi responded by email to the consultation letter requesting more information and meetings were conducted with 4 of those iwi within an 8 month timeframe from August 2017 – March 2018 prior to the application being lodged in June 2018.
- 9.3.3.2 Ngā Kaihautū considers that the 8 month consultation process was inadequate and insufficient to fully understand iwi perspectives. The lack of extensive on-going engagement we believe is evident with each of the 4 iwi (Ngāti Rehua - Ngāti Wai, Ngāti Manuhiri and Ngāti Whanaunga) with whom CRL met during the consultation process all opposing the application in their submissions.
- 9.3.4 Three iwi submissions, Ngāti Manuhiri, Ngāti Tamaterā and Freda Pene Reweti Whanau Trust also commented on the lack of engagement from the applicant.
- 9.3.5 Ngā Kaihautū would specifically like to draw the DMCs attention to:
- 9.3.5.1 The proximity of Tikapa Moana, the Hauraki Gulf, to NDA.
- 9.3.5.2 The three years of extensive, collaborative engagement between mana whenua and a wide range of stakeholders from community to government level.
- 9.3.5.3 The key themes and recommended actions outlined in the plan and the extensive thinking process in its formulation.
- 9.3.5.4 Extensive explanations of mauri and kaitiakitanga as key cultural values as discussed by many of the iwi submissions.
- 9.3.5.5 Some iwi/hapū who submitted on this application were involved in the Hauraki Gulf Marine Spatial Plan development.
- 9.3.5.6 The applicant's view that the Hauraki Gulf Marine Park Act 2000 and the Hauraki Gulf Marine Spatial Plan is not relevant to the NDA as it is located outside of the Hauraki Gulf Marine Park (as mentioned in 1.2 of the application).

## Recommendations regarding engagement:

9.3.6 Ngā Kaihautū recommends that for full consideration of the application the DMC:

9.3.6.1 **Note** the exemplar provided by the extensive engagement and iwi perspectives contained in the Hauraki Marine Spatial Plan (Appendix 1).

9.3.6.2 **Request**, as best practice, that CRL provide an Engagement Plan that details how CRL will include those who have existing interests in the area to from the start and during the period of their proposed operations, focusing on building on-going, meaningful relationships with iwi/hapū.

## 9.4 Māori perspectives on cultural impacts:

Relevant Sections EEZ Act:	Sections 59 (2)(a), (b) and (3)(c), 60 (d), 61(1) (a), (b) and (c)
Relevant Ngā Kaihautū Objectives:	Objective 1: Uphold tikanga and the use of mātauranga Māori  Objective 2: Recognise Māori rights and interests under Te Tiriti o Waitangi (The Treaty of Waitangi)  Objective 3: Protect and enhance the natural and built environment and ensure resilience of ecosystems, people and communities  Objective 4: Acknowledge the role of tangata whenua

## *Lack of cultural values included*

9.4.1 Ngā Kaihautū is concerned with the lack of consideration of cultural values and the impacts on these values in CRL's application, Impact Assessment and attached appendices.

9.4.2 While CRL outline the iwi with whom they engaged with during their consultation process, there is no clear identification of any cultural values or how the proposed activities would impact on these values as further reinforced in section 100 of the Key Issues report.

9.4.3 We consider that a Cultural Impact Assessment would provide a more holistic perspective to understand the extent to which these cultural values will be affected. While a Cultural Impact Assessment was proposed by Ngai Tai ki Tamaki Tribal

Trust (Ngai Tai) (see section 8.8) and supported by the applicant, no Cultural Impact Assessment has been provided to date.

9.4.4 While Ngā Kaihautū recognises that there is not just one Māori world view or perspective on EPA matters, we feel the necessity to highlight common cultural values raised by iwi on this application and the potential adverse effects on these cultural values with specific relation to the Hauraki Gulf/Tikapa Moana, Great Barrier Island, Cuvier Island and other significant land masses.

9.4.5 Key cultural values raised by iwi are outlined as follows:

9.4.5.1 Kaitiakitanga and Mauri

9.4.5.1.1 Iwi consider kaitiakitanga as a key obligation to protect and enhance Tikapa Moana, Aotea and all surrounding land mass within the Hauraki gulf, particularly for future generations.

9.4.5.1.2 A key aspect of kaitiakitanga being the maintenance of mauri.

9.4.5.1.3 Iwi have stressed that the proposed application will not enhance but will cause a further decline in the mauri and wellbeing of Tikapa Moana.

9.4.5.1.4 This is a consequence of any change in the natural composition of the environment as mentioned by Ngāti Whanaunga. The introduction of contaminants and foreign species, sediment erosion, change in seabed composition, water depths and turbidity consequently alter the mauri of the natural environment.

9.4.5.1.5 Ngāti Whanaunga also suggest the mauri of the NDA has already been altered due to human intervention.

9.4.5.1.6 Ngā Kaihautū raise the issue that the CRL application poses a great threat to iwi ability to exercise kaitiakitanga and enhancement of mauri.

9.4.5.2 Tapu / Wāhi Tapu / Rāhui

9.4.5.2.1 Tapu, wāhi tapu and rāhui are defined by Ngāti Whanaunga in sections 6.10.3, 6.10.4, and 6.10.5 respectively.

9.4.5.2.2 Ngāti Whanaunga acknowledge that dumping dredged material in the NDA has created a site where a high level of care must now be taken, as evident by monitoring. Thus, creating a wāhi tapu.

- 9.4.5.2.3 Wāhi tapu are considered sacred and therefore behaviour and work around the NDA should be be with the highest integrity and respect.
- 9.4.5.2.4 As a result of creating wāhi tapu, rāhui (closures or restrictions) are placed on the area to conserve and protect the resource. Ngāti Whanaunga suggest rāhui be applied to adopt more rigorous guidelines and practies, a reduction in the dumping material and target end date.
- 9.4.6 We have attempted to highlight key cultural values and the impacts on these values as identified by iwi submissions and reports. We believe that the best way to understand how the proposed activites may or may not affect these cultural values or the relationship Māori have with the marine environment is to gather that information directly from those existing interests and we acknowledge the request made by the DMC to people with existing interests to provide such information.
- 9.4.7 We reiterate that while Ngā Kaihautū provides advice on Māori perspectives our report does not detract from, or seek to substitute in any form, the distinct iwi perspectives. If there is an opportunity to gather additional information from the exisiting interests we believe this should be done.
- 9.4.8 In accordance with section 61, we are of the view that the DMC does not have the full range, nor the best information available on which to base its decision to approve the application.
- 9.4.9 Similaraly in accordance to sec 59 (2)(a) and (3)(c) of the EEZ Act we advise the DMC to carefully consider these cultural values in determing the outcome for this application.

*Adverse effects on iwi relationships and cultural values.*

- 9.4.10 Ngā Kaihautū is of the view that the CRL application poses a great threat to iwi ability to exercise kaitiakitanga and enhancement of mauri, and therefore iwi relationships with either Great Barrier Island (Aotea), Cuvier Island (Repanga), and Tikapa Moana are adversely affected. This is further reinforced by the effects on all cultural values as identified in (9.4.5).
- 9.4.11 We would like to reinforce the relationship each iwi has identified between themsleves and either Great Barrier Island (Aotea), Cuvier Island (Repanga), and

Tikapa Moana as evidence to support the adverse effects on iwi relationships and cultural values in accordance to sec (60)(d) of the EEZ Act.

9.4.11.1 Ngāti Huarere ki Whangapoua - The dump site is located 25 km east of Great Barrier Island but also east of Repanga, Cuvier Island an island of cultural significance to Ngāti Huarere.

9.4.11.2 Ngāti Manuhiri - close whanaunga (relative) to Ngāti Rehua – Ngāti wai ki Aotea. Ngāti Manuhiri ancestor (tūpuna) Maki and Ngāti Rehua – Ngāti wai tūpuna Mataahu are brothers. They occupy the Mahurangi area and have interests in Aotea; Hauturu-o-Toi and the Mokohinau.

9.4.11.3 Ngāti Rehua - mana whenua; mana moana and tangata whenua. They consider themselves as coastal and seagoing people who have exclusively occupied Aotea, Hauturu-o-Toi (Little Barrier Island) the Pokohinu Islands (Mokohinau Islands) and other outlying islands and rocky outcrops for centuries. Aotea and ALL its outlying islands (a total of 52) and rocky outcrops, as well as the waters that connect them, are a single, living entity.

9.4.11.4 Freda Pene Reweti Whanau Trust – a whanau trust that affiliates to Ngāti Rehua, Ngāti Wai Ki Aotea – has significant interests in the area.

9.4.11.5 Ngāti Whanaunga express the great significance of Tikapa Moana to them. It is an important aspect of their whakapapa and tribal identity through their origin from the pre-fleet people, Kupe-Toi, Ngā Oho and also from the Tainui waka.

9.4.11.6 Lucy Tukua is of Hauraki, Ngāti Paoa and Ngāti Whanaunga descent and therefore claims her cultural associations with Tikapa Moana.

## Recommendations regarding cultural impacts

9.4.12 Ngā Kaihautū recommends that the DMC:

9.4.12.1 **Consider** the perspectives of iwi and hapū shared in submissions.

9.4.12.2 **Note** that Ngāti Whanaunga did not submit on the application but some of their views were shared in their correspondence with CRL.

9.4.12.3 **Invite** Ngāti Whanaunga to attend the hearing and address the information they provided regarding their cultural values and the impacts of the proposed activities on those values as stated in their correspondence with CRL. in accordance with section 56 of the EEZ Act. The information provided by Ngāti Whanaunga critically discusses their cultural values, how the proposed application

affects these cultural values and makes recommendations relevant for the DMC to consider. Under Section 56(1)(c) of the EEZ Act, the DMC may seek advice or information from any person on any aspect of the marine consent application.

9.4.12.4 **Note** that Ngā Kaihautū considers a Cultural Impact Assessment is the best way to obtain information on Māori existing interests, including impacts on cultural values prior to undertaking the proposed activities.

9.4.12.5 **Note** that if the viability of undertaking a Cultural Impact Assessment is constrained, Ngā Kaihautū considers that it could be a useful way forward for CRL to resource iwi and hapū, who have existing interests, to engage an appropriate resource to prepare a Cultural Impact Assessment which sets out the impacts and effects on their values and mātauranga.

9.4.12.6 **Note** that a level of scrutiny and caution be applied to CRL's existing Impact Assessment due to the lack of cultural values, and impacts on those values, documented.

### Section 63 Condition regarding cultural impacts

9.4.13 If the DMC is minded to grant the consent, we recommend that the following condition be set to address the effects of the relationship of iwi with the marine environment under the EEZ Act. This is:

9.4.13.1 The consent holder (CRL) shall, prior to the first exercise of its consent, provide an opportunity and resource for iwi and hapū identified in the Impact Assessment as having existing interests to develop a monitoring programme based on a Te Ao Māori perspective for the proposed activities and provide opportunities and resource for iwi and/or hapū representatives to execute that programme.

## 9.5 Māori perspectives of cumulative effects

Relevant sections EEZ Act: Sections 59 (2)(a)(i) and 6

Relevant Ngā Kaihautū objectives: Objective 2: Recognise Māori rights and interests under Te Tiriti o Waitangi (The Treaty of Waitangi)

Objective 3: Protect and enhance the natural and built environment and ensure resilience of ecosystems, people and communities

*Supported by:*

Objective 1: Uphold tikanga and the use of mātauranga Māori

Objective 4: Acknowledge the role of tangata whenua

- 9.5.1 Ngā Kaihautū is not satisfied that the applicant has provided enough information for the DMC to give proper consideration to ‘cumulative effects’ under section 59 (2)(a)(i).
- 9.5.2 We agree with the iwi submissions that CRL application does not sufficiently address the cumulative effects that may arise as a result of the past, current and future activities undertaken in the area.
- 9.5.3 We disagree with the CRL Impact Assessment, section 7.1(d), that states that there are no significant cumulative effects arising from the proposed continued use of the NDA. The iwi submissions clearly recognise significant cumulative effects of the application.
- 9.5.4 From a Te Ao Māori perspective, proper consideration of cumulative effects requires a holistic assessment starting from the commencement of the activity to the effects of on-going activity, and address how all together the effects will affect the environment in which the activity is being carried out. This view, we believe, is also supported by section 6 of the EEZ Act. As we understand, ‘cumulative effects’ encompass the concept of - *Effects arising in combination with other effects which can lead to greater effects.*
- 9.5.5 We consider it is important that CRL and the DMC understand that for Māori, their kaitiakitanga responsibility (see section 9.4) to maintain the mauri and manage the balance of natural resources within the moana is for the benefit of future generations and requires a long-term view. This view is inclusive of considering the cumulative effects of an activity holistically, to ensure the protection of taonga.

## Recommendations regarding cumulative effects

9.5.6 Ngā Kaihautū recommends the DMC:

9.5.7 **Consider**, under section 59 (2)(a)(i) of the EEZ Act, the need for a holistic assessment of cumulative effects, including a Māori perspective, prior to making a decision.

9.5.8 **Note** that a holistic assessment of effects starts from the commencement of the activity and throughout the activity to determine how these effects collectively will affect the environment in which the activity is being carried out.

## 9.6 Dumping at sea in the event of any unforeseen conditions

Relevant sections EEZ Act 59(2)(a), 60 (a)(d)

Relevant Ngā Kaihautū Objectives: Objective 2: Recognise Māori rights and interests under Te Tiriti o Waitangi (The Treaty of Waitangi)

Objective 4: Acknowledge the role of tangata whenua

Supported by:

Objective 1: Uphold tikanga and the use of mātauranga Māori

Objective 3: Protect and enhance the natural and built environment and ensure resilience of ecosystems, people and communities

9.6.1 The applicant has proposed that in an unforeseen event (e.g. engine problems or a sudden worsening sea state or weather conditions) the operator of the vessel may decide, due to safety concerns, to dump the load at a location other than the NDA as identified in the Key Issues report (paragraphs 84 – 86).

9.6.2 There is no current way to monitor the adverse effects of unforeseen events on the cultural relationship of the Iwi/Hapū with the NDA and the surrounding area. Submitters have raised their cultural and environmental concerns should dumping within this area take place as a result of an unforeseen event. However, the magnitude and frequency

of unforeseen events make assessment difficult. Neither Ngā Kaihautū nor the submitters have any clarity about what the impacts could be, which is concerning.

9.6.3 Ngā Kaihautū is also unclear whether the DMC is able to make a decision on this if an unforeseen event were to occur outside the boundary parameters of an EEZ application. Would this part of the application be subject to another process?

9.6.4 Ngā Kaihautū request the DMC to note that:

9.6.4.1 Ngā Kaihautū consider this condition a key issue and have concerns about how this practice will be monitored in the event of any unforeseen events at sea;

9.6.4.2 Ngā Kaihautū do not support the applicant's proposal that, in the event of any unforeseen event that the CRL be allowed to dump their materials outside of the proposed area.

9.6.4.3 As mentioned in the Key Issues Report (paragraph 85), with an estimated 400-560% increase in the annual number of barge trips, the number of unplanned events can also be assumed to increase, as measured by the number of unplanned events per hours of activity. This could potentially result in the possible dumping of a significant unknown amount of dredged material outside of the NDA.

9.6.4.4 The application does not discuss the frequency with which unplanned events may be expected, based on industry statistics and CRL's own experience.

9.6.4.5 Section 76 of the EEZ Act provides for the EPA to review a consent in the event of unforeseen circumstances.

## Recommendations regarding unforeseen conditions

9.7 Ngā Kaihautū recommends the DMC:

9.7.1 **Encourage** iwi and CRL to engage on this issue, to encourage partnership and collaboration with the potential implementation of a 'rāhui' over the area in the event of an 'unforeseen circumstance' (as discussed in sec 9.4.5.2).

9.7.2 **Seek** further explanation around what sea conditions will be considered 'inclement' and determined an unforeseen event;

9.7.3 **Encourage** iwi and CRL to work together to identify methods of preventing unforeseen events and to monitor the likelihood of unforeseen events occurring, potentially postponing dumping activities.

- 9.7.4 **Inquire** into the London Convention and the United Nations Convention on the Law of the Sea, particularly in relation to preventing marine pollution as identified as a key issue by iwi (as referred to by the Freda Pene Reweti Trust, section 8.18.)
- 9.7.5 **Consider** reducing the timeframe for the consent given the uncertainty of adverse effects on the cultural relationship of Iwi and Hapū with the area as a result of an unforeseen events and the lack of proposed mitigation mechanisms by the applicant.
- 9.8 **Probing of mātauranga, including cultural perspectives**
- 9.8.1 The DMC have requested that Ngā Kaihautū express how concerns and key issues raised by iwi might be tested and probed in a manner that takes account of a Māori world view;
- 9.8.2 In terms of appropriate testing and probing of the information provided by Iwi the DMC may wish to gain further insight and information regarding cultural perspectives and relevant matters for consideration by taking the following line of questioning:
- 9.8.2.1 Can you explain how this application will affect the integrity of :
- 9.8.2.1.1 The cultural concepts, values and practices of members of your iwi/hapū (historical and contemporary)?
  - 9.8.2.1.2 The health and wellbeing of members of your iwi/hapū?
  - 9.8.2.1.3 The relationship between your iwi/hapū and resources?
  - 9.8.2.1.4 The economic development and sustainability of your iwi/hapū?
- 9.8.2.2 Can you tell us about other examples of these effects (e.g. other places or situations where this has happened)?
- 9.8.3 The purpose of the questioning in 9.8.2 is to understand matters of relevance to the application, the site and the activity and in particular the specific impacts on iwi and hapū.
- 9.8.4 Where submitters have raised concerns regarding impacts on Mauri, Wahi Tapu, their role as Kaitiaki and/or effects on culturally significant areas, the DMC may wish to probe and test the information further for mitigation opportunities that can be proposed either by the DMC or the applicant.
- 9.8.5 In the situation where an iwi or hapū submitter is open to mitigation options, the DMC could apply the following line of questioning:
- 9.8.5.1.1 What is a tikanga Māori approach (or alternative approach) to mitigate the impacts?
  - 9.8.5.1.2 What would you do to mitigate the impacts?

9.8.5.1.3 How effective will these mitigations be?

9.8.5.1.4 Can you provide examples of similar mitigations elsewhere?

9.8.6 In the situation where an iwi or hapū submitter is not open to mitigation options, the DMC could apply the following line of questioning:

9.8.6.1.1 Can you tell us why you don't believe any mitigation is possible?

9.9 The purpose of the questioning in 9.85 and 9.86 is to ascertain possible mitigation based on what the iwi or hapū consider is appropriate. The DMC would then be in a position to assess the evidence provided and place appropriate weight to all the evidence the DMC receives across the application.

## 10. Appendix 1

10.1 Tai Timu Tai Pari Hauraki Marine Spatial Plan

10.1.1 <https://www.seachange.org.nz/read-the-plan/>

10.2 An over of the spatial plan can be found here: Lucy Tukua, NativeByNature (Submission 37) <https://www.epa.govt.nz/database-search/eez-applications/view/EEZ100015?accordion-anchor=Submissions%20and/or%20comments>

Signed by Ngā Kaihautū Tikanga Taiao on 5 November 2018.

Lisa te Heuheu, Tumuaki



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James Doherty



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Haupai Puke



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Rick Witana



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Dr Daniel Hikuroa, Tumuaki Tuarua



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Keita Kohere



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Kelly May



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Mahanga Maru



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